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MAY 31 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Spartanburg County

Honorable Larry B. Hyman, Circuit Court Judge

—————
CHRISTOPHER HAMPTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-002374

—————
SUPPLEMENTAL APPENDIX
—————

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PUBLIC SAFETY DEPARTMENT

CITY OF SPARTANBURG
P.O. BOX 548 - 145 W. BROAD ST.
SPARTANBURG, S.C. 29304



CASE NUMBER
06-0922-09

Pre-Interrogation Waiver Form

Name: Christopher Lemonte Hampton Address: _____

Telephone Number: _____ Social Security Number: [REDACTED]

Date of Birth: [REDACTED]/90 Today's Date: 08/12/05 Time: 14:18

STATEMENT OF RIGHTS

Before any questions are asked of you, you must understand your rights.

- (X) 1. You have the right to remain silent.
- (X) 2. Anything you say can and will be used against you in a court of law.
- (X) 3. You have the right to talk to a lawyer and to have a lawyer present with you while you are being questioned.
- (X) 4. If you cannot afford to hire a lawyer, a lawyer will be appointed, free of any costs, to represent you before any questioning begins.
- (X) 5. You have the right to stop answering questions at any time.

The above rights have been read to me by Inv. Steadman

I have read the above rights, and I understand them fully.

Witness [Signature] Signed Chris Hampton

WAIVER OF RIGHTS

Fully understanding my rights as they have been explained to me, I wish to waive (give up) my rights and talk to officer Steadman & Lamb in reference to Tanika Hunter.

I have waived my rights freely and voluntarily, without being threatened or coerced; and without being promised any leniency or reward.

Signed Chris Hampton Witness [Signature]

Time Interview Began: 14:18 p.m. Time (Statement/Interview) was completed: 23:11 p.m.

I have made this statement freely and voluntarily, without being threatened or coerced; and without being promised any leniency or reward.

I have read this statement consisting of 5 page(s), and I swear or affirm that the facts contained therein are true and correct.

I further state that I have received a copy of this statement.

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS _____ DAY OF _____, 19____

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

Signed: [Signature]
Witness: [Signature]
Witness: [Signature]

VOLUNTARY STATEMENT

CASE NUMBER
02-0422-04

NAME: Christophe Leandre Hampton

On May 27, 2004 I got up late maybe 3:00 or 4:00 in the evening. Lashayta called and wanted to come over to my house. At first I said OK then Tamika called and said she wanted to come over. I said OK so I called Lashayta back and picked up her to make her mad so she wouldn't come over. When Tamika came over we talked and it started good. We got hungry and I went to Miami Grill and got some food. I drove my car while Tamika waited at my apartment. I drove around an hour or two. When I got back we ate then had sex. We laid there for awhile. I had to get ready for work that day so I was getting ready to load my clothes. Tamika asked me for money and I told her I had a baby on the way and a ticket to pay. Tamika got mad and said a few words like you care more about that baby than me. She stood up and I turned around and hit her with the Zaad, I just flipped. I hit her in the head with the Zaad. Tamika fell near the closet I just hit her once. I panicked and ran out of there. I drove around because I was scared. I went by my cousin's apartment her name is Tamika Lyke and sipped on some beer. I went back to my apartment and it was still daylight. Tamika was still there so I put the combi over her then wrapped her up in it. I picked her up and slid her in the closet and shut the door. I slid the dresser in front of the door. I thought she was dead. Before 7:00 I called them ~~work~~ (work) and told them I was going to be late if I came at all. I cleaned up a little by using spray deodorant, I used socks, towels

WITNESS: [Signature]
 WITNESS: [Signature]

[Signature]
 Signature of person giving voluntary statement

09-13-2004 006

VOLUNTARY STATEMENT

PAGE 2 OF 5

CASE NUMBER
06-0472-04

NAME: Christopher Lamonte Hampton

and shorts. I put the towel, socks and shirts in the trash and went to Duan and Tiffany Woodcutt Apartment to borrow Clorox. I got the Clorox Bleach and mixed it with water and poured it on the floor. It lightened it up a little but not much. I got Tranika's keys and moved her car. I took the car to Rockdale and walked back to Fremont. IT WAS STILL daylight when I was coming back to Fremont. Before I took Tranika's car Duan came up to my apartment holding a gun. I pushed him off. They didn't know anything. When I got back from taking the car off I was thinking what am I going to do. Tyrone calls me and says that he has Dasha and Tana and they are looking good. I told him I don't feel like it today. He kept saying come on just do it for me. He finally convinced me. Tyrone, Dasha, Tana and Ricardo came over. Ricardo didn't stay long. Dasha and Tana stayed a few hours, Tyrone and Dasha had sex on what ever and me and Tana were in my bedroom. Tana asked me about the stain on my floor and I told her it was probably Cool-Aid. Tana asked why I didn't have any condoms on my bed so I got one from Tyrone. Tana wanted to have sex but I didn't want to because I could hardly get it up I was so scared. Tranika was still in the closet. Tyrone was in his bed and Dasha was on the couch. I asked Tyrone was he going to take them home he said no you take them. I used Tyrone's car and took them both home. I came back and Tyrone is in my bed. He said he thought I was going to stay over there, I said no. Tyrone went

WITNESS: [Signature]
 WITNESS: _____

[Signature]
 Signature of person giving voluntary statement
 09-13-2005 0030

VOLUNTARY STATEMENT

PAGE 3 OF 5

CASE NUMBER

06-0422-04

NAME: Christopher Lamont Hampton

back to his room and I talked to him for a while. I shut his door so he couldn't see what was going on. I turned on the bathroom light and cracked the door so I could have a little light. I checked on Tamika and she was still there. I picked her up and took her claws stans still wrapped up. I didn't want to look at her. I put her in the back seat of Tamara's car which was a grey Dodge 88. It was parked beside the post office because I used it to take Deeder and Tina home. I was going to put her in the dumpster but I couldn't do it. I decided to find a better place to put her. I drove off trying to find a place to put her. I drove to Wal-Mart at Diamond Center and bought a shovel. Tamika was still in the car and it was good and dark maybe about 12:00 am. I drove around thinking what am I going to do. I drove to so many places I had to stop and get gas in Duncan. I got maybe \$15.00 worth, I'm not sure where. It was daylight now and was still driving around I saw a little dirt road so I stopped and walked down it a little ways to make sure I could drive down it. I went back and got the car and drove down a little ways. I got her out of the back seat and carried her a little ways and got tired. I rested for a while this was maybe 7:00 am. I picked Tamika's backpack and walked down into the woods to where she is now. I put her down and went back to the car and got the shovel I went back and started digging. The hole maybe 2 feet deep and 3 feet by 3 feet or a little bigger. I rolled her into the hole and threw the combi-dog behind me. Tamika fit

WITNESS: [Signature]

WITNESS: _____


 Signature of person giving voluntary statement

VOLUNTARY STATEMENT

PAGE 4 OF 5

CASE NUMBER
06-0422-04

NAME: Christopher Lemmie Hopper

in to the hole except her feet. I removed her shirt and skirt. She was wearing a white shirt, buttoned up and a black skirt. She was not wearing any jewelry on her and no shoes. I covered her up and I think she still has on her rings. Her hair was still gold weave. Tyrean called me while I was out there because he had to take his mother to work. I was still in the woods and I told him I was over a girls house and that I was on my way. After I covered her up I picked up everything, the computer, her clothes and the shovel and went to Oakview. I went around back and threw everything in the dumpster. I drove back around front and blew the horn and told Tyrean to come on. I drove and Tyrean sat in the passenger seat, his man and our uncle. Taha Todd sat in the back seat. They worked at a construction job out paste. Many Black Hospital. I think she had to be at work at 8:00 am. We came back to Fairmont and Tyrean went to work at the hospital. I cleaned up everything and went to get the cleaner. I drove my car and went by Ashley's apartment. She asked me about moving in again and I said she could today because I couldn't stay there by myself. I left and went to the B&B on Redwile Rd. and rented a Carpet Cleaner. I cleaned most of my bedroom maybe half and right or the closet. I don't remember seeing anything inside the closet. I dumped the cleaner in the toilet. I took the cleaner back and a few hours later I went and picked up Ashley and the kids. A week later I went to Jail. When I got out of Jail I went

WITNESS: [Signature]

WITNESS: _____

[Signature]
Signature of person giving voluntary statement

VOLUNTARY STATEMENT

CASE NUMBER
01c-0422-07

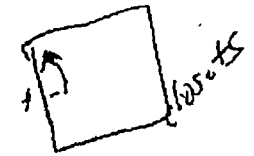
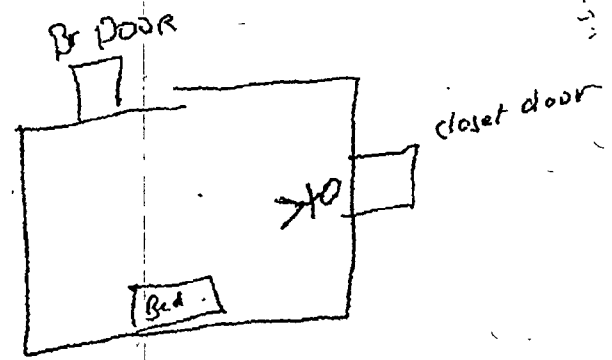
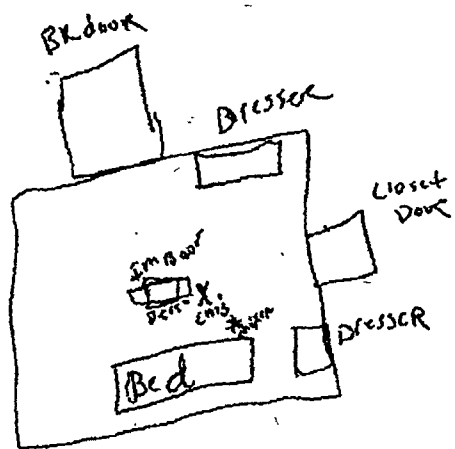
NAME: Christopher Lemont Hampton

back to where I buried Tamika and dog her skull up and some
 small bones. I put them in a BT-10 bag. I used a bag to
 pick them up with. I had Teller a shovel from Cost Woodworks brand
 and used it to dig her back up. I was going to tend them in
 somewhere on campus but then I started thinking about my new
 baby girl and going to jail for the rest of my life and I couldn't
 do it. I got back to Foreman and there the bag is the dumpster.
 The bag had the skull and maybe 8 more bones in it. No one
 else is involved in this. I acted alone. I have not told anyone
 about this. End of Statement 11/15/07.

[Handwritten signature/initials]

WITNESS: *[Signature]*
 WITNESS: _____

[Signature]
 Signature of person giving voluntary statement

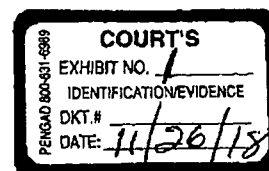


0050

Handwritten signature

8-12-05
10:41 AM

Entered By: J C STEADMAN, On 06/13/2005 9:03:12 AM
 Edited By: J C STEADMAN, On 08/29/2005 3:20:34 PM



Title: Inv. Steadman supp # 4 06042204

03/21/05 I spoke with an employ for Cingular Wireless named Audrey at telephone number 404-847-3020. She stated that the telephone number 864-593-9017 was not issued as a telephone number. She explained that it might be a dump number or a routing number.

03/23/05 I spoke with Cynthia Walker and I showed her a picture of Chris Hampton and asked her if she recognized him. She said she did and remembered that the Sheriffs Deputy stopped them on Short Hill St. Ms. Walker said that he picked her up at the Liquor store on Howard St. and she told him where to go. They went up Old Howard Gap rd. and turned up the second street on the left. They crossed Southern Ave. and went down the Railroad access road. After completing their business they pulled out at the fairgrounds and that's when the Sheriff's Deputy got behind them. Ms. Walker said that this person had never picked her up before this date.

I went by Hub City Cts. and left a business card in the door.
 I went to Cannon Point Apartments and spoke with the manager. I asked if Kristie Beason lived at these apartments and she said that she was not listed as a tenant.

I received a telephone call from Tawanna Tate and she stated that she was home. I returned to Hub City and spoke with her. She said that she let Chris Hampton borrow her vehicle twice. The second time he drove it he went to pick up Ashley at work when she was working at Toy's R Us. Ashley called Tawanna and told her that she was home and that Chris went to his cousin's house. Tawanna found out later that Chris had gotten stopped while driving her car and got tickets, which he said were for turning signal and drivers license. Tawanna said that Chris had never called her telephone from jail and said that I could check and see. Her telephone number is 864-582-3755. Tawanna said that she knew Tamika but the last time she saw her was in 1998 when she saw her on Frey rd. and she was talking to a girl named Tassiar Poole. Ms. Tate said that she never saw Lashayta with brass knuckles. The car she let Chris borrow is registered in her mothers name and the insurance is in both hers and her mothers name. The car was purchased on July 09, 2004.

03/24/05 I spoke with Angela Evans at Alltel and she stated that Calls to voice mail do not show up on telephone records as billable calls until they are retrieved. Voice mail is only kept for a period of 3-5 days before they are erased. The telephone Tamika Huston had was a track phone. The last billing date was May 04, 2004 and the next time was August 04, 2004. These billing dates only go back 30 days.

03/28/05 Lt. Lamb and myself spoke with Zelda Teamer at Spring Arbor Assisted Living facility. We discussed Zeldas telephone records and asked questions about Tamika.

04/01/05 Lt. Lamb and myself went to Quail Point Apartments and spoke with Nicole Dogan. She stated that Tamika was seeing a person named Chris and that she was scared of him. Nicole said that Chris also dated a girl named Nisha who worked at Bangin on Kensington Dr. she said that Chris was violent with her. Nicole did not see Chris but in the dark and said she would not be able to identify him. Nicole said that he drove a white Lincoln. Nicole said that Tamika called her on her old cell phone and that number was 205-2711. Nicole said that she could be reached at 574-7781.

Lt. Lamb and myself went to Bangin and spoke with the owner. He stated that Nisha Rookard was an employ at Bangin and also at Mountainview Nursing Home.

4/05 I spoke with Aaron Lee Mossburg at the Spartanburg County Sheriffs Department. He stated that he was in a crack house on Howard St. around April 01, 2005 and overheard a drug user telling a drug dealer named Vernon that he killed this girl named Tamika and it happened in Cleveland Park. Mr. Mossburg said that he was at another house on Allen St. and heard the same

person telling another drug dealer the same story. Mr. Mossburg said that he went to school at Green Shirt School with this person but he did not know his name.

04/05/05 Inv. Hearst, Sgt. Taylor and myself went to [redacted] S. Center St. and spoke with Jovanah Bivens and Kandis Bivens. They stated that they were both with Lashayta when she went into Chris' apartment. Tamika was inside and Lashayta had a knife or a blade. Lashayta asked Tamika how she got a key to Chris' apartment and she said that he gave it to her. Chris called Lashayta and he told her that Tamika took his key and would not give it back. Lashayta was upset but Tamika was eating a bowl of cereal and washing her weave. Tamika offered to go get Chris but Lashayta, Jovanah and Kandis left then Tamika left behind them. Kandis said that she walked out with Tamika and talked to her at her car and Lashayta left in her truck. Both statements were placed into evidence.

Inv. Saar and myself located Child [redacted] and brought her back to the Police Department. She gave another statement about her and Chris' sexual involvement. I took a report for Criminal Sexual Conduct with a minor. Refer to report 04-0167-05. child stated that she was only 15 years old at the time.

04/18/05 Lt. Lamb and myself went to Edgefield Federal Prison and spoke with Christopher Hampton. Chris agreed to talk with us and stated that he did not wish to have a lawyer present. Chris did not have anything to say and cried at times during the interview. Hampton stated that he could not give us the body but did not give us a reason why he couldn't.

04/26/05 Ashley Porter was given a polygraph and passed.

04/27/05 I obtained a search warrant for Lashayta Hunters telephone records for telephone number 864-641-5014.

05/05/05 Lashayta Hunter was given a polygraph. Deception was indicated and Lashayta admitted that she had lied about the brass knuckles. Lashayta said that Chris Hampton got a set of brass knuckles from her that belonged to her brother. She said the reason she lied was because she was scared and thought that she would be looked at as a suspect and she knew she did not do anything to Tamika. Lashayta gave another statement as to where the brass knuckles came from. Lashayta said that she did not get the brass knuckles back from Chris. Lashayta also said that she saw a gun in Chris' dresser drawer.

05/06/05 Lt. Lamb and myself went to Perfect Solutions and obtained copies of Christopher Hampton's employment records.

05/09/05 Solicitor Trey Gowdy, Assistant Solicitor Cindy Smith, Lt Lamb and myself went to Edgefield Federal Prison and Mr. Gowdy, Ms. Smith and Lt. Lamb spoke with Christopher Hampton. This interview was very short due to Mr. Hampton walking out of the interview.

05/10/05 I went by [redacted] College St. looking for Julie Ford. This house is now vacant.

I spoke with Ashley Porter by telephone and she said that she could come and give another statement on Thursday or Friday.

I spoke with Latoria Flemming at [redacted] Logan St. and she stated that she bought a computer from Christopher Hampton before last summer. Ms. Flemming said that the hard drive quit working and she took the computer to One Source Computer Solutions and they installed a new one. Ms. Flemming lives at [redacted] Baltimore St. apartment [redacted]. Ms. Flemming said that her telephone numbers are 542-1266 and 497-3357. Inv. Guthro and myself went to One Source and spoke with employees that stated that they could not find out which one it was because they change so many and had a pile of hundreds that did not work. They do not mark the hard drives when they remove them.

05/11/05 Lt. Lamb, Inv. Guthro and myself looked for places that the search and rescue dogs could search.

Lt. Lamb and myself went to Phillips Staffing and obtained employment records for Christopher

Hampton.

05/13/05 Inv. Guthro, Bradley, Lt. Lamb and myself assisted search dogs and their handlers with searching an area on Fairforest Rd. near Upper Valley Falls Rd., two vacant houses on Old Howard Gap Rd. and an area on Access Rd.

05/16/05 I obtained employment records from Staffing Associates located at 460 N. Church St.

I called and left a message for Ashley Porter to call me.

Ashley Porter called and I asked her about her telephone number from May of 2004. Ashley said that it was 573-6702. I obtained a search warrant for her telephone records for May 01, 2004 until June 30, 2004.

I called and left a message for Kristie Beason to call me.

05/18/05 Lashayta Hunter came to the police department and I spoke with her. Lashayta said she did not do anything to Tamika. We went over her previous statements and discussed letters that Chris Hampton had written. I asked if she would be willing to take another polygraph and she said she guessed. Lashayta said she could do it Monday.

05/20/05 Lt. Lamb and myself spoke with Jovanah Bivings and her mother at [REDACTED] S. Center St. No statements were taken but Jovanah stated that if Lashayta done something to Tamika then her brother Rashad Hunter would be involved because every time Lashayta gets in trouble she calls her brother.

Lt. Lamb and myself spoke with Lashayta Hunter and asked her if she was going to take another polygraph. At first she said she did not know and then she said she would. Lashayta said she would take one Monday.

05/23/05 I called Lashayta Hunter and asked if she was taking the polygraph. She said that she had to work and was unable to today. She said that she would call us when she finds out when she can take the polygraph.

I obtained a search warrant for apartment [REDACTED] Hub City Cts. The search warrant was executed and items recovered were assorted papers, telephone records, pictures and keys.

06/01/05 Lt. Lamb and myself picked out a birthday card for Christopher Hampton to send him to mail to his daughter for her 1st birthday.

Lt. Lamb and myself went to Shirley's Pantry and spoke with Willie Mae Cathcart. We asked if she knew Lashayta Hunter and she said yes. Ms. Cathcart said that Lashayta told her that we were harassing her about the Tamika Huston case. Ms. Cathcart said she told Lashayta that if she knew anything that she should tell the police. Lt. Lamb asked Ms. Cathcart to tell Terrance to call him and she said that she would.

06/07/05 I obtained search warrants for telephone numbers 864-621-1348, 864-497-6731, and 864-574-7695.

06/09/05 I called 583-7615 and left a message for Julie Ford to call me.

I went to [REDACTED] George Washington Carver Blvd. and left a business card in the door for Lashayta Hunter to call me.

06/13/05 I received information back from Triton PCS D/B/A Sun Com Wireless. They indicated that there are no telephone records for telephone number 864-621-1348 but they did provide subscriber information. Information was placed into evidence.

06/14/05 I received telephone records for telephone number 864-583-1126. All original records were placed into evidence.

06/16/05 I received telephone records for telephone number 864-574-7695. All original records
02-06-2006 0058

were placed into records.

06/17/05 I received a telephone call from crime stoppers and they stated that an unknown caller said that Tamika was at a party at Regetta Fullers house with her son Torrey Fuller the week before she went missing. The caller thinks Tamika's disappearance might be drug related. Regetta Fuller lives at [redacted] Austin Ct. in Roebuck, SC. Torrey Fuller is a black male, date of birth [redacted] 1978.

06/20/05 Inv. Smith, Guthro and myself went to [redacted] Moore Ave. in Enoree, SC and spoke with Jannie Mack. We were looking for Latasha Mack. Latasha was not at home at the time so we walked around the Vermiculite Mine. We also looked around the Enoree River at the bridge on Beaver Dam Church Road. Director A.T. Fisher stated that he received a telephone call and that the caller wished to remain anonymous. The caller stated that someone told her that Chris Hampton and another male brought a body to Latasha's trailer and that Latasha gave him some weights and then Chris and the other male took the body through the woods and dumped the body in the Enoree River.

Latasha Mack called and then came to the Police department where we spoke with her about the call. Latasha said that she had not had any contact with Chris Hampton since July 02, 2003 at his brother's funeral. Ms. Mack also said that she has never owned a set of weights. Ms. Mack said that she was willing to take a polygraph.

06/21/05 Inv. Smith and myself went to [redacted] Austin Ct. in Roebuck and spoke with Torrey Fuller and his mother Regetta Fuller. Torrey said that Tamika was at his house on May 08, 2004 and that she spent the night that night. Torrey said that the last time that he saw Tamika was on Tuesday May 12, 2004 and that she had a black male in the car with her. Regetta Fuller said that Tamika had brought an envelope with her name and telephone number on it and that it contained pot. Tamika said that she could get plenty of it if she knew anyone who wanted some. The black male in the car never got out and he was wearing a baseball cap. Torrey said that Tamika had talked to him and that she wanted to do stuff for money. Torrey said that Tamika had told Brad Nesbitt the same thing. Regetta said that Tamika had told her that she needed money. Regetta said that Tamika's neighbor Gary Payden said that Tamika was wearing wigs and thing and it looked like she was trying to disguise herself. Ms. Fuller said that she could be reached at 576-2803.

Inv. Smith and myself went by [redacted] Ammons Road. Left a business card in the door.

We went by [redacted] S. Center Street and spoke with Ms. Bivings. She stated that Tiffany and Duran had moved and they were staying with Duran's mother Loretta Woodruff. She said that I could get in touch with them by calling 595-6192.

06/27/05 Ashley Porter called and stated that she could come talk with us again. I picked her up at her apartment and brought her to the police department. Ashley stated that she had forgot to mention that Chris and her had gotten into an argument and Chris threw a knife at her and stabbed her in the leg. EMS was called and she lied to them and told them that she was washing dishes and dropped the knife and it cut her. Ashley recalled several other times when Chris hit her and said that she called the police but nothing came of it. Ashley said that she remembered when Chris was messing with Tara. Ashley said that she told Chris how old she was and said that she told Chris if she saw him at her house again she was going to call the police. Ashley talked about her encounter with Lashayta at Chris' apartment and she also mentioned Lashayta saying that she had pulled a knife on someone at Chris' apartment. Lashayta asked Ashley if she knew a light skinned black female that was short with a big butt. Ashley said that Chris later told her that it was Tamika and Chris said that she (Tamika) did not have a key to his apartment. Lashayta told Ashley that Tamika did have a key to Chris' apartment. I asked Ashley about talking to Chris about blood being on some papers that Chris had and she said that she thought it was blood. Ashley said that if she could find it she would give it to us. I took Ashley home and she said that we could look for the paper. Ashley signed a consent to search form and we searched her apartment. We did not locate the piece of paper she was talking about because she had been moved and did not know where it went. Ashley provided Chris' wallet and showed us what appeared to be blood on a picture in the wallet. Ashley said that we could take the wallet.

Lt. Lamb done a test for human blood on the picture and it tested positive for human blood 02-06-2005 0059

Hogsd took pictures of the wallet and I placed it into evidence. Ashie also gave us a clothes basket that contained papers and books belonging to Chris Hampton. These items were placed into evidence also.

07/25/05 Lt. Lamb and myself spoke with Zelda Teamer at her residence. Zelda stated that Shanasa Demus told her that Tamika met a guy named Chris and that they went out together. Later that night Tamika called Shanasa and told her that the guy was crazy and that she needed to get away from him. She said that he had just got out of jail and that he carried a gun everywhere he went. He told her that she had better not leave him or mess with anyone else. Shanasa told Zelda that Tamika did not come home until later the next morning. Zelda was not sure when this occurred.

Lt. Lamb and myself spoke with Shanasa Demus at Spartanburg Public Safety Department. Shanasa gave us the same story that she told Zelda Teamer. Shanasa also stated that Tamika was talking to a guy named Leroy Brown who was from Charleston, SC. Shanasa said that she was also seeing Leroy. Shanasa said that Leroy worked for Tamika's father Anthony Huston.

07/26/05 Lt. Lamb, Victim Specialist Joni Phillips and myself met with Anthony and Joann Huston. Lt. Lamb discussed the issue of releasing certain information to the media. Joann Huston had information that Michelle West told Melissa Watson and Melissa Watson relayed the information to Joann Huston. A nurse named Tamika Hall told Michelle West that a patient's family member was talking about Tamika and possibly had information that the Hustons would be interested in. Tamika Hall told Michelle West that while caring for a patient at Spartanburg Regional Medical Center a family member of the patient told her that she looked like the missing Tamika. That same person told her that her husband or ex-boyfriend told her that he would do the same thing to her that he did to Tamika. The person told Tamika Hall that her name was Ann Ludwick and that her telephone number was 864-420-5696. Ms. Ludwick also stated that she has jewelry that belongs to Tamika and that she is buried in North Carolina.

07/29/05 Investigators, supervisors and the Solicitors Office met with the Huston family. The case was discussed with the family.

07/29/05 Lt. Lamb and myself drove the family around and showed them some of the places that we searched and where the Klaas Kids Foundation searched.

08/01/05 I spoke with Anesha Rookard at 864-316-3690 and she stated that she did not know Christopher Hampton.

08/03/05 I obtained copies of Receipts of Personal Property Forms from Spartanburg County Detention Facility for Christopher Lemonte Hampton. One was dated 01/14/05 and the other dated 02/02/05. Only the one dated 01/14/05 showed a wallet (billfold).

Lt. Lamb and myself spoke with Makiya Nix at Magnolia Town Homes. She stated that Tamika Huston came into Win Dixie on John B. White Sr. Blvd and asked if she could do her a favor. Ms. Nix stated that she would try. Tamika gave her a roll of film and asked her to develop it for her. Tamika told her the pictures were a little risqué. Ms. Nix stated that Tamika left the film and said that she would pick it up later. Ms. Nix exposed the negatives and discovered that she could not develop the pictures. When Tamika returned Ms. Nix returned the negatives to Tamika and told her that she could not develop the pictures. Ms. Nix believes this was sometime in May. Ms. Nix can be contacted at home at 864-595-1265 or by cell phone at 864-237-8985.

Lt. Lamb and myself went to Apartment Quail Point Apartments and spoke with Nicole Dogan. We asked her if she knew who would have taken the pictures of Tamika and she said that she did not know.

Lt. Lamb and myself went to Win Dixie and asked Ms. Thompson who was working in the photo department if she had records of Tamika Huston coming in and getting film developed and she stated that the records have been destroyed.

I went to Greenville and met with Anthony Williams at 15 S, Main St. Resurgent Capital Services. Formally known as Alegis Group. He stated that he did not know Tamika and had never met her.

Mr. Williams is the Assistant Vice President of Operations. Mr. Williams lives at Waterfield Ct., Greer, South Carolina 29650. Ms. Williams said that he could be reached at home at 864-897-8409 or at work at 864-248-5788.

08/04/05 I went to the Spartanburg County Detention Center and spoke with Andre Bobo. Andre Bobo is a black male, date of birth [REDACTED]/1973, [REDACTED] Crestwood Place, Spartanburg, SC. 29301. Mr. Bobo stated that he knew Tamika since about 1993 or 1994 and that she was 14 or 15 years old at the time and Tamika had a crush on him. Mr. Bobo went to Federal Prison in December 1997 and was released in May 1999. Mr. Bobo stated that he last saw Tamika in 1999 after his release and that Tamika was friends with Zelda whom he knew from Park Hills. Mr. Bobo stated that he called Tamika 3 or 4 times and that Tamika was living with a relative that had a daughter. Mr. Bobo said that he did not know where Tamika was living and that Tamika was like a little sister to him. Mr. Bobo stated that he had nothing to do with Tamika Huston's disappearance.

I received information from Inv. Taylor with Spartanburg County Sheriffs Office regarding a tip that that an anonymous person was cleaning up the yard at [REDACTED] Freemont Ave. and smelled an odor coming from the house. This person knew there were two freezers under the house in the basement. The caller was concerned that a body might possibly be under the house.

Lt. Lamb and myself went to check out the house and I called the owner Edward Koon. Mr. Koon arrived and consented to us searching the house. Nothing was found at this time. K-9's will clear the house at a later date. The consent form was turned into evidence. Mr. Koon's contact numbers are home 864-674-6841, cell 864-426-0808 and business 864-674-0530.

On 08/10/05 Lt. Lamb, Sgt. Taylor, Capt. Hardy, Col. Kindall, Sgt. Sutton and myself met with Solicitor Trey Gowdy. Mr. Gowdy acknowledged that we had enough for a murder warrant for Christopher Hampton.

I obtained a release of personal property form from Spartanburg County Detention Center showing the release of Christopher Lemonte Hampton's personal property to Ashley Porter on January 14, 2005.

08/11/05 Lt. Lamb and myself met with Judge Hall and warrant number K-006278 was issued against Christopher Lemonte Hampton for Murder.

08/12/05 Lt. Lamb and myself went to Edgefield and met with Magistrate Judge Parkman. Judge Parkman counter signed the warrant for Criminal Sexual Conduct with a minor 2nd degree to be served in Edgefield County. Lt. Lamb and myself went to Edgefield Federal Prison and we picked up Christopher Lemonte Hampton. Once we left the prison we stopped and served the warrant on Mr. Hampton for CSC with a minor. We advised Mr. Hampton of his Miranda Rights and asked if he would sign that he understand them. Mr. Hampton stated that he would not sign them and a stated to take him back to Spartanburg. At this time the warrant for Murder was read to Mr. Hampton and he was advised that once we returned to Spartanburg we would serve that warrant on him. During the ride back to Spartanburg we stopped to use the restroom and Mr. Hampton did not have to go. Once we began traveling again Mr. Hampton stated that he had to go. We contacted Clinton Police Department and asked if we could stop by so the prisoner we were transporting could use the restroom. They welcomed us and provided a secure location for us to stop. Once we left we continued back to Spartanburg. Once we arrived in Spartanburg we stopped by the city narcotics office and we held Mr. Hampton at this location until time for the press conference. While waiting Mr. Hampton was provided food, cigarettes and bathroom breaks. Mr. Hampton talked casually with us and we offered him a chance to talk with us again about Tamika Huston. Mr. Hampton stated that he would sign the Miranda Rights form and he also signed the waiver of rights. Mr. Hampton basically listened to what we had to say and we allowed him to review the details of the case that was compiled against him. Close to 1600 hours Mr. Hampton stood up and said lets go. Lt. Lamb asked if we were going to the jail or to where Tamika was he said that he would show us where she is. We put Mr. Hampton in an unmarked vehicle and he directed us to drive towards Wellford. We went to Nazareth Church Rd. and Mr. Hampton told us turn left. We did and after traveling down this road for a while Mr. Hampton realized that he was on the wrong road. We turned around and when we got to New Hope Rd. he told us to turn left. We traveled to Nazareth Rd. and Mr. Hampton stated to turn left. And then right onto Howell Rd. We traveled on Howell rd until we came to Tiger River Rd. and Mr. Hampton said to turn left. We

did and we drove to a site that a new building was being built. Mr. Hampton stated that this did not look right and asked us to turn around. We crossed back over Howell Rd and continued on Tiger River Rd. Mr. Hampton stated that this was not right so we returned to the other side of Tiger River Rd. Mr. Hampton instructed us to stop and he said she was close by. He talked for a while and said that he did not kill Ms. Huston that a female did and all he did was help take her body to this location. Mr. Hampton stated the person's name that sounded like Mashunda and he said that he did not know her last name. Mr. Hampton said that Mashunda and Tamika were fighting and that Mashunda cut Tamika. Mr. Hampton said that Tamika was about ten yards of the road. He was asked how far that was and he indicated by telling us it was as far as the bulldozer working at the construction site. We asked which one and he indicated that one which was about three hundred yards away. Mr. Hampton said that it was down a dirt road. Mr. Hampton finally admitted that he acted alone in the act of disposing of Tamika Huston and we located an old roadbed. He looked at it and said yes that's it so we parked and got out. Mr. Hampton began walking down the road and stated that he had driven down this road. After walking for a ways we entered the woods. Mr. Hampton began looking around and began asking about the search dogs and asked if they were good. We told him that they were good and said that we would bring them in he stated that he wanted to find her. Mr. Hampton asked about the reward and wanted to know if his daughter could get the money. Lt. Lamb said that he would check on it for if but he would have to call the family. Hampton continued to look and we came to a spot where he thought he recognized and he stated this is it. I looked around and did not see anything at first so I asked him if she was buried. He said yes and that this is the spot. He became emotional so I had him sit on a log and I looked around and notified Lt. Lamb this was the spot. I observed what appeared to be a bone and then I noticed more spread out farther away from the area where Mr. Hampton had pointed. I advised Lt. Lamb that I was going to walk Mr. Hampton back to the car so he could sit in the air conditioning. Lt. Lamb waited at the sit until he could turn it over to someone else. Once other officers arrived Lt. Lamb and myself returned to the Police Department to take a written statement from Mr. Hampton. Mr. Hampton was advised of his rights again and he waived his rights and provided a statement that was written and recorded. Mr. Hampton was allowed to read his statement and he signed it reflecting that it was correct. Mr. Hampton was transported to the Spartanburg County Detention Center and booked for Murder and Criminal Sexual Conduct with a minor 2nd degree.

08/13/05 Lt. Lamb and myself met at the burial site and left to meet with the Huston family at the Marriott Spartanburg. After meeting with the family Lt. Lamb, Victim Specialist Debbie Shehan and myself took the family to the burial site. While at the burial site Zelda Teamer found a vertebra and handed it to me. Rebekah Howard also found an unidentified bone and gave it to Inv. Guthro. I turned the vertebra over to Inv. Guthro who later turned them over to Spartanburg County Coroner Robin Forrest. The family was taken back to the Marriott. We met with the family and the Coroner Robin Forrest.

08/14/05 Lt. Lamb, Victim Specialist Debbie Shehan, and myself met with other family members who had not arrived in town as of Saturday and briefed them as to the status of the case. We then went to the burial site and assisted other investigators with the recovery efforts of other remains. The family members that had not visited the site were allowed to visit and leave flowers.

08/15/05 I visited the Command Center with Captain Hardy and we left and returned to the Police Department. Lt. Lamb advised me that Christopher Hampton had made a statement to the Herald Journal Newspaper. We met with the Managing Editor Greg Retsinas and asked if we could get the notes and the audiotape of the interview from Christopher Hampton he asked that we provide a Subpoena. I contacted Barry Barnette with the Solicitors Office and he said that he would have one brought over to the Herald Journal. Sgt. Sutton brought it over and it was served on The Herald Journal and Alexander Morrison. The Subpoena gives them until August 25, 2005 to produce the requested items or appear at the Grand Jury.

08/16/05 Lt. Lamb and myself went to the Spartanburg County Detention Center and picked up Christopher Hampton. We brought him back to the Police Department. Mr. Hampton was read his Miranda Rights and he waived his rights and talked with us. Nothing new was learned so no statement was taken. Mr. Hampton was returned to the Spartanburg County Detention Center. Ashley Porter called and asked if Hampton had used an Iron to kill Tamika, and she stated that she thought that she had the Iron that Chris Hampton brought back from Freemont when he moved back in with her at Hub City Apartments.

08/17/05 Ashley Porter came to Police Department and gave a statement about picking up Christopher Hampton's wallet at the Spartanburg County Detention Center. Ashley said that she picked up his shoestrings, a note saying that she could cash Hampton's check and some cash. Ashley said that she used the cash to get her telephone turned back on. Ashley said that she did not look in the wallet until she had moved into apartment [redacted] and that she was looking for a telephone number for Chris' father. Ashley pulled out a picture of herself and her son and laughter. Ashley noticed what she thought was blood on the picture and asked a friend that was visiting what they thought it was. Ashley did not want to tell who the friend was. The friend said that it looked like dried up blood. This was about two weeks before she gave it to the Police. Ashley also said that she was looking at the newspaper yesterday and noticed the article about the iron. Ashley remembered that when Chris moved back to her apartment he brought an iron from Freemont. Ashley said that she still had the iron and would turn it over to the Police. Ashley stated that when Chris got mad he would throw things. Ashley remembered that one time Chris got mad because the baby was crying and Ashley was outside with some other girls and Chris threw a brick through the window from inside the apartment out. Chris would also throw things like tables, candles and a couch. Ashley said that Chris picked up a couch and threw it across the room. Chris also threw a knife and hit Ashley in the right leg with it. Ashley had to call EMS and told them that she dropped the knife and it cut her. Ashley said that Chris had smacked her once or twice. Ashley was afraid of Chris and said that he told her that if she ever left him he would kill her. I met Ashley at Hub City Apartments and she brought me the iron she said that Chris brought from Freemont. The iron and the statement were placed into evidence.

I went to the scene on Tiger River Rd. I videoed the area once everyone was out. I put two videos into evidence.

[redacted]
 [redacted]
 [redacted]
 [redacted]
 [redacted]
 [redacted]
 [redacted]
 [redacted]
 [redacted]

Entered By: J C STEADMAN, On 08/04/2005 10:44:51 AM
Edited By: J C STEADMAN, On 08/09/2005 10:12:25 AM

Title: Inv. Steadman supplemental #5 06042204

On 08/04/05 I interviewed Andre Bobo, black male, date of birth [REDACTED]/1973 who resides at [REDACTED] Crestwood Place, Spartanburg, S.C. 29301 at the Spartanburg County Detention Center in reference to Tamika Huston. Mr. Bobo stated that he was currently in jail for Violation Federal Probation and that he did not have any information about Tamika Huston. Mr. Bobo stated that he has been talking with an inmate who is telling him that he witnessed what happened to the missing person and mentioned Ralph Flemming's name. Mr. Bobo stated that the person was taken to North Carolina and that while they were taking him there a guy was sharpening a sword. Once they arrived in North Carolina they tortured the person and dismembered him using the sword. Mr. Bobo did not tell me who was telling him this information and only stated that the person was from New York that did this. I advised Mr. Bobo that I would forward this information to the Spartanburg County Sheriffs Office.

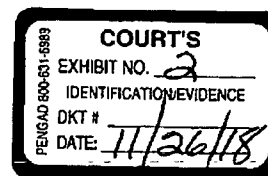
The Supreme Court of South Carolina

Christopher L. Hampton, Petitioner,

v.

State of South Carolina, Respondent.

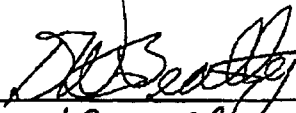
Appellate Case No. 2017-002374



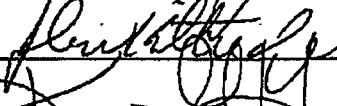
ORDER

This matter is before the Court by way of a notice of appeal from an order of the circuit court finding petitioner is entitled to a belated review of the order issued in petitioner's first post-conviction relief (PCR) action pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). However, counsel for petitioner states the record of petitioner's first PCR hearing is not available. Accordingly, counsel petitioner asks this Court to hold this appeal in abeyance and remand the case to the circuit court for reconstruction of the record of the hearing. The State has not filed a return to the motion.

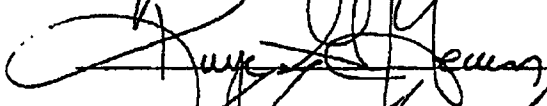
We hereby hold this appeal in abeyance and remand the matter to the Honorable Roger L. Couch to reconstruct the record of the evidentiary hearing on petitioner's first PCR application. See *Koon v. State*, 358 S.C. 359, 595 S.E.2d 456 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005); *China v. Parrott*, 251 S.C. 329, 162 S.E.2d 276 (1968); *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). Counsel for petitioner is ordered to contact counsel for respondent and Judge Couch within ten days of the date of this order to schedule such hearings as Judge Couch deems appropriate. Counsel for petitioner shall provide an update to the Clerk of this Court no later than fifteen days from the date of this order, and every fifteen days thereafter, with copies of the updates provided to counsel for respondent. If Judge Couch determines reconstruction is not possible, he shall immediately notify this Court and the parties of that determination. If the record is reconstructed, counsel for petitioner shall notify this Court and the matter will proceed upon petitioner's receipt of the transcript from the reconstruction hearing.




C.J.



J.



J.



J.

Few, J., not participating

Columbia, South Carolina
August 02, 2018

cc:
Jordan Adraine Cox, Esquire
Wanda H. Carter, Esquire
M. Hope Blackley

FORM 5

STATE OF SOUTH CAROLINA)
County of Spartanburg)
Christopher Hampton 314697)
Full name and union number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS
2006-CP-42-3049

v.
State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

RECEIVED
CLERK OF COURT
2006 SEP 15 PM 2:01

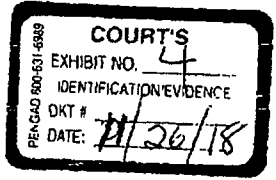
INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention South Carolina Department of Corrections
BRC I-4460 Broad River RD - Col R, SC. 29210
2. Name and location of Court which imposed sentence Spartanburg General
Session - Spartanburg SC / circuit court
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 05-65-42-3629
 - (b) _____



(Handwritten mark)

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) 4-3-06 - Life

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

~~No~~ Yes

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. S.C. Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Dismissed

ii. _____

iii. _____

(c) the date of each such result:

i. 5-17-06

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. Denied Pursuant To Rule - 234(B) SCACR

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) Trial Counsel Died and was unable to file the appeal

(b) _____

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MAY 15 2006
MAY 15 2006

(c) the disposition thereof:

- i. Denied
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. 5-17-06
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Rule 234(b) SCACR
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

2006 SEP 15 PM 12:02
FBI - MEMPHIS

19. State clearly the relief you seek in filing this application:

Vacated Conviction and Sentence
New Trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)
County of Spartanburg)

VERIFICATION

I, Christopher Hampton, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Christopher Hampton

SWORN to and subscribed before me this 5th day of Sept, 2006

Elizabeth W. [Signature]
Notary Public

My Commission Expires: July 29, 2007

2006 SEP 15 PM 2:02
NOTARY PUBLIC

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Christopher Hampton, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

x Christopher Hampton
Applicant

SWORN or affirmed to and subscribed before me this

5th day of Sept, 2006.

Elizabeth Wilson
Notary Public

My Commission Expires: July 29, 2007

2006 SEP 15 PM 2:02
MAYO INT'L BUREAU

STATE OF SOUTH CAROLINA
 COUNTY OF SPARTANBURG

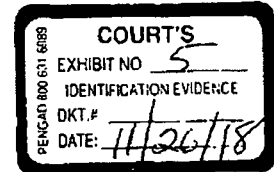
Christopher Hampton, # 314697,
 Applicant,

v.

State of South Carolina,
 Respondent.

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2006-CP-42-3049



RETURN

The Respondent, making its Return to the application for post conviction relief (PCR) filed September 15, 2006, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the August 2005 term of the Spartanburg County Grand Jury for Murder (05-GS-42-3629) and Criminal Sexual Conduct with a Minor, Second Degree (05-GS-42-3630). The Applicant was represented by Michael Bartosh, Esquire. On April 3, 2006, the Applicant pled guilty to Murder. CSC with Minor, 2nd was *not pressed*. Applicant was sentenced by the Honorable John C. Few to confinement for Life.

A Motion to File Notice of Appeal Out of Time was filed on the Applicant's behalf on May 10, 2006 stating that trial counsel had passed away two (2) days after trial and had not filed Notice of Appeal. The Court of Appeals denied this motion by Order of Dismissal dated May 17, 2006. The remittitur was issued June 1, 2006.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, the Applicant's appellate records and the guilty plea transcript.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel;
2. Denial of Due Process; and
3. Lack of Subject Matter Jurisdiction.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under

professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Applicant further alleges that he was denied due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a prima facie showing, the Respondent would

submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. This allegation is so vague that it is impossible for the State to respond.

V.

The Respondent submits that the Applicant's allegation that the trial court lacked subject matter jurisdiction is without merit. Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong. Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994). A review of the record clearly indicates that there is no basis upon which to conclude that the trial court lacked subject matter jurisdiction. Further, the Applicant's indictments are facially valid and proper. An indictment is adequate and valid on its face if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and acquittal or conviction to be placed in bar to any subsequent prosecution. State v. James, 472 S.E.2d 38 (S.C. 1996); State v. McIntire, 221 S.C. 504, 71 S.E.2d 410 (1952). The indictments in this case are facially valid because they contain all the necessary elements of the offenses intended to be charged, state the date of the offenses, and the name of the accused. The respondent moves for summary dismissal pursuant to South Carolina Code Ann. '17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that this allegation should be dismissed as a matter of law.

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

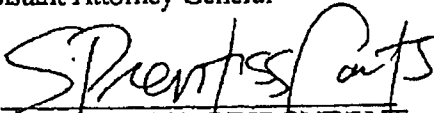
Respectfully submitted,

HENRY D. McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

S. PRENTISS COUNTS
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

March 20, 2007.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

) IN THE COURT OF COMMON PLEAS
) IN THE SEVENTH JUDICIAL CIRCUIT

Christopher Hampton,

200-CP-42-3049

)
) Applicant,

)
) vs.

)
) AFFIDAVIT OF SERVICE BY MAIL

)
) State of South Carolina,

)
) Respondent.
)

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return of the Respondent in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

W. Jeffrey McGurk, Esquire
P.O. Box 3213
Spartanburg, South Carolina 29304

DATED this 20th day of March, 2007.

Anne Mueller

Anne A. Mueller
Legal Assistant for the Respondent